

**TOWN OF WINTER PARK  
PLANNING COMMISSION  
Tuesday, August 25, 2015**

**Minutes**

- I. The meeting was called to order at 8:05 am.
- II. Roll Call indicated present: Dick Norman, Brad Holzwarth, Sue Keck, Mike Davlin, Jonathan Larson and Cliff Anderson.
- III. Commissioner Anderson moved, and Commissioner Davlin seconded a motion to approval the minutes from July 28, 2015. Motion carried: 6-0.

Commissioner Davin moved, and Commissioner Anderson seconded a motion to approval the minutes from August 11, 2015. Motion carried: 6-0.

IV. NEW BUSINESS:

- A. Design Review – 395 Leland Creek Circle – Dougherty and Roark

Planner Shockey presented the staff report.

This is a three story duplex that encompasses approximately 3,959 square feet of finishable floor area including a two-car garage.

The structure has been approved by the Leland Creek HOA Design Review Committee and we have received a copy of the letter.

The materials board and elevations for the material list were presented.

Exterior lighting will be installed at each entryway including the garage doors and on the decks. The fixtures comply with Town guidelines and are dark sky compliant.

Building height complies with Town standards. The maximum building height overall is 32' which is permitted based on the building height definition.

Adequate parking has been provided in compliance with Town standards. The design includes a two-car garage.

The landscape plan addresses revegetation of disturbed areas and outlines where new trees will be planted around the structure. The landscape plan complies with Town standards with the exception of one tree located within the right-of-way. This tree will need to be planted on the property.

- The landscape plan shall be amended to remove the Engelmann Spruce from the right-of-way.
- No site clearing shall be permitted until the limit of disturbance and building footprint are marked in the field and inspected, verified and accepted by Town staff.
- Any disturbed areas on the site shall be revegetated with an appropriate seed mix per the Single Family Deposit Agreement.

Staff was satisfied with the overall design.

The structure is located within the required setbacks. There are two encroachments into the setback, one in the front setback and one in the side setback (north side). Both encroachments are permitted per Section 7-3-7 (Relief from Yard Requirements) of the Town Code.

The total coverage is 25% building to open space.

A site inspection of the property has not been performed by staff.

- No site clearing shall be permitted until the limit of disturbance and building footprint are marked in the field and inspected, verified and accepted by Town staff.

The driveway has been designed with a maximum 4% grade, which compliance with Town Standards.

- A stabilized construction entrance shall be installed prior to ground disturbance.

The erosion and drainage plan complies with Town standards.

- Approved drainage and erosion control shall be in place prior to and throughout site preparation and construction and through successful revegetation.

The DRC reviewed the design and site plan on August 25, 2015 and recommended approval with the conditions outlined in the staff recommendation.

Staff recommended the Planning Commission recommend approval of the single-family design and site plan for Lot 65, Leland Creek Subdivision with the following conditions:

- The landscape plan shall be amended to remove the Engelmann Spruce from the right-of-way.

- No site clearing shall be permitted until staff the limit of disturbance and building footprint are marked in the field and inspected, verified and accepted by Town staff.
- Any disturbed areas on the site shall be revegetated with an appropriate seed mix per the Single Family Deposit Agreement.
- A stabilized construction entrance shall be installed prior to ground disturbance.
- Approved drainage and erosion control shall be in place prior to and throughout site preparation and construction and through successful revegetation.

**Required Permits:**

- ✓ Building Permit
- ✓ Driveway Permit
- ✓ Single Family / Duplex Deposit Agreement

Commissioner Keck moved and Commissioner Davlin seconded to approve the design review for 395 Leland Creek Circle with staff conditions. Motion carried: 6-0.

**B. Preliminary Plat – Vasquez Mountain Lodge Condominiums**

Planner Shockey presented the staff report.

Vasquez Village Associates, LLC has applied to the Town of Winter Park to replat Vasquez Mountain Lodge Condominiums, a 30-unit townhome project located on the corner of Lake Trail and Bear Trail. The property was originally platted in 2006 (Reception No. 2006-008502) but was never developed. The proposed replat would reduce density to 27 units and realign the building footprints and parking areas. The zoning on the property is R-2, which permits this type of use.

The applicant is proposing to access the development from Lake Trail and Bear Trail. Buildings 1-3 would access via a private low-volume road while Buildings 4-6 would access from Bear Trail via individual driveways. The East Grand Fire District has reviewed the proposed road and has no concerns.

The Town Engineer noted that the roadway is not in conformance with the Standards and Specifications for Design and Construction (the “Standards”) as it relates to cross slope. A variance has been requested by the applicant.

Variance – Per Town Standards (§3.5.2), the maximum desirable superelevation rate is 0.06 foot per foot (6%). The applicant is requesting 8%.

The Town Engineer stated that while an 8% cross slope is steep for some paved areas, they do recommend approving it. Variances from the Standards and Specifications for Design and Construction are granted administratively based on a set of criteria outlined in §8.1.1 of the Standards.

- Prior to Final Plat review, the applicant shall receive approval of the variances from Town Staff. If variances are denied, the applicant shall bring the construction plans into conformance with the Standards.

The proposed development requires 41 parking spaces for the 27 two-bedroom units. Each unit will have one parking space in a garage. The remaining parking will be surface parking along the east side of the low-volume road.

The building footprints are located within the setbacks established in the R-2 Zone District. With the limited distance between buildings, fire resistive construction methods will likely be required by the Winter Park Building Department.

- Prior to Final Plat review, the applicant shall submit for design review approval. If required, the applicant shall indicate the fire resistive construction methods that will be used on the buildings.

The Town's Landscape Design Regulations and Guidelines (the Guidelines) require a "B" Landscape Transition Zone (LTZ) for all sides of the property. This requires a total of 33 evergreen trees, 33 deciduous trees and 165 shrubs.

The landscape plan shows a number of trees being planted around the property but the table that was presented does not list the qualities of each type of tree. The table doesn't list any trees being planted although it is discussed in the notes section of the plan. The plan also shows limited landscaping between the parking lot and the property line to the east. The Guidelines discuss the need to screen parking lots from adjacent property – "Substantially reduce the visual impacts of parking lots by using plant materials, berms, fences and/or walls."

The Development Improvements Agreement for this project only accounts for one spruce tree, two aspen and 17 shrubs. This will need to be amended prior to Final Plat.

- Prior to Final Plat, the applicant shall amend the landscape plan to come into conformance with the Landscape Design Regulations and Guidelines.
- Prior to Final Plat, the applicant shall amend the Development Improvement Agreement to reflect the total amount of landscaping required for this project.

The landscape plan stated a drip irrigation system would be installed. The irrigation system must first be approved by the Grand County Water and Sanitation District No. 1 prior to installation.

- The irrigation system shall be reviewed and approved by Grand County Water and Sanitation District No. 1 prior to any Final Plat review.

No entry signage was indicated on either the Preliminary Plat document or the landscape plan.

- Sign approval shall be considered a separate submittal and must meet the sign code requirements of the Town of Winter Park.

Exterior lighting will be reviewed at time of Design Review. It is likely that lighting will be installed at each entryway into a residential unit and on decks and patios. In order to reduce light pollution, no additional parking lot, driveway or landscape lighting should be installed.

- Prior to Final Plat, the applicant shall provide a lighting plan that meets the Design Regulations and Guidelines of the Town of Winter Park.

The Preliminary Plat has identified snow storage locations in three areas of the development. The plat does not indicate the percentage of snow storage vs the total parking area so it is difficult for staff to determine if adequate snow storage is available. The three areas identified on the plat are for the low-volume road, they do not indicate storage for the driveways associated with Buildings 4-6.

The Standards (§3.11) require a minimum of 25%. The site has additional storage areas available but the applicant will need to identify those areas and provide the calculations. The Commission should discuss how snow storage from the upper driveways will be pushed to the snow storage areas indicated on the plat.

- Prior to Final Plat review, the applicant should create a snow removal plan that could be implemented for the site. Staff feels the applicant should work with a local snow removal company on a plan that could be implemented once the site is built out.
- Prior to Final Plat review, the applicant shall provide snow storage calculations on the Final Plat to determine if adequate snow storage has been provided in conformance with the Standards.

The proposed building coverage is 45.4% of the total site area. Maximum building coverage for the R-2 District is 40% but this property was part of a settlement agreement that permitted the coverage to be increased to 50%. The land use summary table on the plat needs to be amended as the total percentage for building coverage and open space only equal 90%

- Prior to Final Plat review, the applicant shall amend the land use summary table to

accurately reflect the building coverage to open space ratio.

The Town Code (§8-3-10) requires either the dedication, reservation or conveyance of areas suitable for public purposes such as parks, flood channels, scenic areas and greenbelts of up to five percent (5%) of the total area of the subdivision, or a payment in lieu of such dedication. Open space dedication or fee in lieu is waived for this property based on the settlement agreement.

Draft copies of the associations' documents have been provided to staff for review.

- Prior to Final Plat review final copies of the Rules and Regulations, Bylaws and State approved / stamped copy of the Articles of Incorporation shall be provided.

All improvements (water, sewer, roadway, landscaping, drainage/erosion control, etc.) associated with the proposed project are required to be guaranteed (120%) through a Development Improvements Agreement (DIA). The applicant has provided a cost estimate for said improvements but the estimate is not fully in compliance with town requirements. Staff has relied this to the applicant multiple times and they refuse to update the cost estimate. A list of the issues was sent to the applicant in early June –

- Roads - Subgrade Construction - Please provide a unit cost
- Roads - Paving - Please fill out this line item. You identify subgrade and surfacing but not paving.
- Roads - Sidewalks - Please fill out this section for the sidewalks identified on the plans.
- Roads - Street Signs - Please fill out this section. You will have at a minimum, a stop sign on the property.
- Roads - Snow Storage - Please fill out this section.
- Parking - Paving - Most cost estimates identify paving at \$75-\$120 a ton. \$25 a ton seems very low, please adjust.
- Parking - Striping - Please fill out this section. Parking spaces will need to be striped.
- Parking - Snow Storage - Please fill out this section.
- Drainage - This section needs to be filled out. You have only identified erosion control and there are many other drainage features that need to be included.
- Landscape - This section needs to be revised. You identify only one spruce tree, two aspen trees and a handful of shrubs. Please review the landscape guidelines for the required number of trees and shrubs.
- Sewer - Most cost estimates identify sewer at \$85-\$100 a linear foot. \$16 a linear foot is not reasonable.

The lack of response has indicated that the applicant is not in favor of revising the cost estimate. If the applicant is unwilling to amend the cost estimate, staff would recommend the Town Engineer provide a realistic cost estimate for the Development Improvements Agreement.

- Prior to Final Plat review, the applicant shall amend the DIA as outlined above.

- The applicant shall provide an executed DIA with cost estimates along with final stamped engineered plans for all applicable improvements prior to acceptance of any DIA and subsequent site disturbance.

Bear Trail was formally known as Lake Trail and was a public right-of-way. It was vacated in 2005 through Resolution No. 922, Series 2005 as part of the settlement agreement. The Town has a public trail easement over Bear Trail in the Bear Crossing Subdivision. It would be beneficial to also receive a public trail easement over the portion of Bear Trail that travels through this plat. Staff would like the Planning Commission to discuss this concept with the applicant to determine the feasibility of acquiring a public trail easement across the paved portion of Bear Trail.

The applicant is requesting a variance to Section 6.2.11.3.2 of the Standards. Per that section, rock lined channels shall not exceed a 3:1 side slope. The applicant is requesting using a 2:1 side slope for the immediate area south of Building 3. If a 3:1 slope is used it has the potential to undermine the building according to the applicant. The Town Engineer recommended the applicant verify the 3:1 slope with the project geotechnical consultant.

- Prior to Final Plat review, the applicant shall provide a letter from the geotechnical consultant stating 3:1 side slopes along Building 3 will be acceptable.

#### **Review Agency Comments:**

##### **Town Engineer**

The Town Engineer has noted that the construction plans are complete but not fully in conformance with our Standards and Specifications for Design and Construction. The applicant shall amend the construction drawings as noted in the attached letter dated August 10, 2015.

- Prior to Final Plat review, the applicant shall revise construction plans to come into conformance with the Standards and Specifications for Design and Construction. Any deviations from the Standards will require a variance.
- Prior to Final Plat review, the applicant shall provide a response to questions raised by the Town Engineer in the letter dated August 10, 2015.

##### **Building Department**

The Building Official reviewed the plans and based on fire separation distances between the buildings, construction projections, openings and penetrations of exterior walls may be required to meet minimum fire resistive construction requirements as outlined in Winter Park's Building Regulations.

- Prior to Design Review submittal, the applicant shall provide specifications on the fire resistive construction material that will be used on the buildings to meet the regulations.

### **Colorado Geological Survey**

Jill Carlson of the Colorado Geological Survey (CGS) responded to the referral in a letter dated August 5, 2015. In that letter, she stated they have no objection to approval of the preliminary plat so long as the recommendations from the Reliance Letter, Slope Stability Evaluation dated February 10, 2014 by Kumar and Associated are adhered.

- Prior to Final Plat submittal, the applicant shall add a plat note stating the recommendations of the Reliance Letter, Slope Stability Evaluation will be adhered.

### **East Grand Fire Protection District**

Dennis Soles of the East Grand Fire Protection District responded to the referral in a letter dated July 20, 2015. In that letter, East Grand stated they have no concerns with the plat.

### **Mountain Parks Electric**

Jean Johnston of Mountain Parks Electric, Inc. responded to the referral in a letter dated July 15, 2015. In that letter, Mountain Parks outlined concerns with getting electric to the site. In addition, they have requested easement language be added to the plat as noted in their letter.

- Prior to Final Plat review, the applicant shall obtain a letter from Mountain Parks Electric, Inc. stating they have no concerns regarding the proposed development. Required changes to the electric lines shall be shown on the final construction plans and noted in the DIA.
- Plat notes shall be added to the Final Plat as noted in the July 15, 2015 letter from Mountain Parks Electric, Inc.

### **Grand County Water & Sanitation District No. 1**

Bruce Hutchins, District Manager responded to the referral in a letter dated July 23, 2015. In that letter, the Water and Sanitation District outlined numerous concerns with the sewer plan.

- Prior to Final Plat review, the applicant shall obtain a letter from Grand County Water and Sanitation District stating they have no concerns regarding the proposed development. Required changes to the sewer shall be shown on the final construction plans and noted in the DIA.

### **Century Link**

Sam Tooley with Century Link responded to the referral in a letter dated July 24, 2015. In that letter, Century Link needs additional information from the applicant to determine if they can offer services to the property.

### **Xcel Energy**

David Covey of Xcel Energy has not responded to the referral letter.

- Prior to Final Plat, the applicant shall obtain a letter from Xcel Energy stating they



have no concerns regarding the proposed development. Any required changes to the gas line shall be noted in the construction plans and DIA.

Letters were sent to the following agencies but comments were not received prior to the deadline –

Colorado Parks and Wildlife  
Comcast  
East Grand School District  
Grand County Assessor Department  
Grand County Planning Department  
Headwaters Trails Alliance  
US Army Corps of Engineers

If the Commission feels comments should be received from any of the above listed agencies, the applicant would be responsible for obtaining those letters prior to Final Plat review.

Staff sent notice to adjacent property owners on August 19, 2015. No comments have been received.

Staff has prepared a red-marked print for the proposed Preliminary Plat.

- Prior to Final Plat submittal, the applicant shall revise the Preliminary Plat in conformance with the red-marked print dated August 25, 2015.

**Miscellaneous:**

- A Certificate of Taxes, shown to be paid in full from the County Treasurer, shall be provided for the subject property prior to the recording of any Final Plat.
- A digital file of the approved plat must be submitted. The digital file shall be in a format acceptable to the Town's System. Requirements for digital submittal can be obtained from the Town's Planning Department
- A 14"x18" 911 Address Plat shall be provided prior to recording of any Final Plat.
- This proposed project is subject to school impact fees of \$325.00 per unit. Fees shall be paid prior to any recordation of an As-Built Plat.

If the Commission was satisfied with the Preliminary Plat, staff recommends approval with the following conditions:

Conditions Prior to Final Plat Review:

1. Prior to Final Plat review, the applicant shall receive approval of the variances from Town Staff. If variances are denied, the applicant shall bring the

construction plans into conformance with the Standards.

2. Prior to Final Plat review, the applicant shall submit for design review approval. If required, the applicant shall indicate the fire resistive construction methods that will be used on the buildings.
3. Prior to Final Plat, the applicant shall amend the landscape plan to come into conformance with the Landscape Design Regulations and Guidelines.
4. Prior to Final Plat, the applicant shall amend the Development Improvement Agreement to reflect the total amount of landscaping required for this project.
5. The irrigation system shall be reviewed and approved by Grand County Water and Sanitation District No. 1 prior to any Final Plat review.
6. Prior to Final Plat, the applicant shall provide a lighting plan that meets the Design Regulations and Guidelines of the Town of Winter Park.
7. Prior to Final Plat review, the applicant should create a snow removal plan that could be implemented for the site. Staff feels the applicant should work with a local snow removal company on a plan that could be implemented once the site is built out.
8. Prior to Final Plat review, the applicant shall provide snow storage calculations on the Final Plat to determine if adequate snow storage has been provided in conformance with the Standards.
9. Prior to Final Plat review, the applicant shall amend the land use summary table to accurately reflect the building coverage to open space ratio.
10. Prior to Final Plat review final copies of the Rules and Regulations, Bylaws and State approved / stamped copy of the Articles of Incorporation shall be provided.
11. Prior to Final Plat review, the applicant shall amend the DIA as outlined above.
12. The applicant shall provide an executed DIA with cost estimates along with final stamped engineered plans for all applicable improvements prior to acceptance of any DIA and subsequent site disturbance.
13. Prior to Final Plat review, the applicant shall provide a letter from the geotechnical consultant stating 3:1 side slopes along Building 3 will be acceptable.
14. Prior to Final Plat review, the applicant shall revise construction plans to come into conformance with the Standards and Specifications for Design and Construction. Any deviations from the Standards will require a variance.
15. Prior to Final Plat review, the applicant shall provide a response to questions raised by the Town Engineer in the letter dated August 10, 2015.
16. Prior to Design Review submittal, the applicant shall provide specifications on the fire resistive construction material that will be used on the buildings to meet the regulations.
17. Prior to Final Plat submittal, the applicant shall add a plat note stating the recommendations of the Reliance Letter, Slope Stability Evaluation will be adhered.
18. Prior to Final Plat review, the applicant shall obtain a letter from Mountain Parks

Electric, Inc. stating they have no concerns regarding the proposed development. Required changes to the electric lines shall be shown on the final construction plans and noted in the DIA.

19. Plat notes shall be added to the Final Plat as noted in the July 15, 2015 letter from Mountain Parks Electric, Inc.
20. Prior to Final Plat review, the applicant shall obtain a letter from Grand County Water and Sanitation District stating they have no concerns regarding the proposed development. Required changes to the sewer shall be shown on the final construction plans and noted in the DIA.
21. Prior to Final Plat, the applicant shall obtain a letter from Xcel Energy stating they have no concerns regarding the proposed development. Any required changes to the gas line shall be noted in the construction plans and DIA.
22. Prior to Final Plat submittal, the applicant shall revise the Preliminary Plat in conformance with the red-marked print dated August 25, 2015.

#### Conditions Prior to Recording

1. A Certificate of Taxes, shown to be paid in full from the County Treasurer, shall be provided for the subject property prior to the recording of any Final Plat.
2. A digital file of the approved plat must be submitted. The digital file shall be in a format acceptable to the Town's System. Requirements for digital submittal can be obtained from the Town's Planning Department
3. A 14"x18" 911 Address Plat shall be provided prior to recording of any Final Plat.
4. This proposed project is subject to school impact fees of \$325.00 per unit. Fees shall be paid prior to any recordation of an As-Built Plat.
5. Sign approval shall be considered a separate submittal and must meet the sign code requirements of the Town of Winter Park.
6. Deeds for General Common Elements (to the HOA) shall be provided.
7. A Statement of Authority shall be provided for those signing the Final Plat for Vasquez Village Associates, LLC.

A lengthy discussion was held about all requirements for the preliminary plat.

No one was present to represent the applicant.

Commissioner Larson moved and Commissioner Davlin seconded to approve a motion to continue the public hearing until a future date to allow the applicant the opportunity to address the conditions listed plus the following comments and concerns. Motion carried: 6-0.

1. Buildings 4-6 are proposed to be 50' wide. The Commission was concerned how five garages would be located in a 50' span. They requested elevations and floor plans for all of the buildings so they can better understand the configuration.
2. Building 4-6 only have one parking space associated with each unit. The surface parking for the additional cars is in front of Buildings 1-3 with no access from the upper units to the surface parking. The Commission wanted to see a pedestrian connection between Buildings 4-6 to the surface parking lot. Another option that could be considered would be to push Buildings 4-6 further east to allow for 20' between the garage door and Bear Trail. This would allow people to park in front of the garages.
3. If the depth between the road and building is not increased, the Commission required no parking signs be installed on the garage doors of Building 4-6 to discourage parking.
4. The Commission agreed with the staff comments concerning the lack of landscaping on the plat. In addition, the Commission requested landscaping be installed between parking areas where riprap is proposed. This will help break up the three large driveway areas that are proposed.
5. The Commission also indicated the requirement for landscaping between the parking area and the Cirque Townhomes. You may need to contact those owners about utilizing some of their property if you are unable to plant trees in the area between the parking lot and your property line.
6. A trash dumpster area was not indicated on the plat.
7. The Commission was concerned about snow storage on the property. In particular, they were concerned with where snow from the driveways of Buildings 4-6 would be stored. The snow storage you currently show on the plat would only serve the lower driveway.
8. The Commission was in favor of a dedicated trail easement across Bear Trail to connect with the trail easement already in place in Bear Crossing.
9. The Commission also requested the conditions outlined in the staff report be addressed. Staff believes the following conditions can be met prior to resubmitting for review:
  - Condition No. 2, 3, 4, 6, 7, 8, 9,11,13,14,15,16,17,18,19,20,21,22

## V. STAFF UPDATE

- Thank Commission Larson for his service.
- Whistlestop
- Lakota

- Attainable Housing
- Commercial Enhancement Grants
- Next meeting will be September 8, 2015.

Upon a previously adopted motion, the meeting was adjourned at 9:14 a.m.